In re Application of LUCOVSKY et al.
Serial No. 10/017,680

REMARKS

The Office action has been carefully considered. The Office action provisionally rejected claims 1-20 under the judicially created doctrine of obviousness-type double patenting based on the following copending patent applications: A/N 10/187,057 and A/N 10/208,975. Further, the Office action rejected claim 1-20 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,789,126 to Saulpaugh et al., ("Saulpaugh"). Finally, the Office action objected to the most recent amendment to the abstract as the Office action contends that this amendment introduced new matter and must be cancelled.

Regarding the obviousness-type provisional rejections, applicants will timely file a terminal disclaimer upon indication of allowable subject matter. Regarding the objection to most recent amendments to the claims on grounds of new matter, applicants respectfully disagree. Regarding the rejections of the claims, applicants respectfully disagree.

By present amendment, claims 1 and 19 have been amended. Applicants submit that the claims as filed were patentable over the prior art of record, and that the amendments herein are for purposes of clarifying the claims and/or for expediting allowance of the claims and not for reasons related to patentability. Reconsideration is respectfully requested.

Prior to discussing reasons why applicants believe that the claims in this application are clearly allowable in view of the teachings of the cited and applied references, a brief description of the present invention is presented.

The present invention is directed to a system and method for using a "services" service that allows for central (*e.g.*, over the internet) access to specific data typically stored on a server computer. See generally FIG. 4 and pages 17-19 of the specification. Services information generally includes information about myriad services that may be used in a networked computing environment. Examples of such services include a contacts service, a categories service, a wallet service, *etc.* Thus, the service associated with the present invention is a service that enables the exchange, manipulation, and transfer of data about other services, *i.e.*, a services service.

Data about services may be stored in the form of a content document (for example, content document 422) and the information that designates access to the data may be stored in the form of a logical services document (for example, roleList document 420). These logical documents may be part of an identity-based schema (for example, schema 416) for providing the information about the structure of data stored in the system. Such a system is advantageous for storing services information and the like so that users may obtain various services data, such as, for example, information about a favorite websites service that may include general bookmarked website information, like URLs associated with a user's favorite websites. Thus, because the information may be organized from the perspective of the information itself, the services data may be accessible from any device capable of connecting to the internet. Since the schema may provide the information about the structure of data, any device of any platform or communication protocol may access the data.

One embodiment of the present invention features a system and method for providing an identity-based schema for coordinating the access, manipulation, and retrieval of data. The schema may be a function of the class of service. For example, the schema may be directed to data structures typically used in database platforms that store data about services, *i.e.*, a services schema.

When another computing device wishes to access or retrieve the data, it may first be determined whether the device has permission to access or retrieve the data. As mentioned above, the services service may include a logical services document that may describe a scope of access rights, such as which users have what type of access to which data. For example, a data owner may typically have read/write access to his or her own data, and can provide various types of access to that data to other users based on their IDs, (*e.g.*, read only to some users, read/write to others). Thus, when a user wishes to set the scope as defined in a services settings document, the user may send a request to manipulate the data stored in the logical services document which controls the scope. In response to the request, at least one set of data in a logical services document (data that may correspond to associated identity information) may be manipulated based on the type of request. In this way, each set of data in the logical services document may correspond to a related field in the services schema; the identity of the user and/or device determines the scope of access rights according to the identity information. Note that the above description is for example and informational purposes only, and should not be used to interpret the claims, which are discussed below.

Objection under 35 U.S.C. §132(a)

The Office action has objected to the most recent amendment to the abstract as the Office action contends that new matter has been introduced. Applicants disagree as each sentence in the replaced abstract finds ample support in the originally filed specification as follows:

A schema-based service for Internet access to per-user services data, wherein access to data is based on each user's identity. See specification page 15 under the heading "Service and Schemas" as well as page 3. The service includes a schema that defines rules and a structure for each user's data, and also includes methods that provide access to the data in a defined way. See specification page 3. The services schema thus corresponds to a logical document containing the data for each user. See specification page 3 and page 16. The user manipulates (*e.g.*, reads or writes) data in the logical document by data access requests through defined methods. See specification page 3 and page 16. In one implementation, the services schemas are arranged as XML documents, and the services provide methods that control access to the data based on the requesting user's identification, defined role and scope for that role. See specification page 3 and pages 16-17. In this way, data can be accessed by its owner, and shared to an extent determined by the owner. See specification page 3 and pages 16-17.

What is most confusing is that the abstract, as amended in the most recent Office action response, is almost a word-for-word verbatim of the first paragraph of the summary of the invention. The Office action even recited the first paragraph of the summary as evidence that new matter has been added. Certainly, the Office

action cannot contend that by adding the word "services" as a modifier for the term "schemas" as in "the services schemas are arranged as XML documents" that new matter has been added. The specification and originally filed claims are replete with references to a services schema and a services service, not to mention any number of other schema/service tandems (*e.g.*, categories, contacts, *etc.*). Other similar modifications to the language of the first paragraph of the summary has been implemented in the amended abstract to specifically describe the focus of the claims of this application. Applicants submit that the objection to new matter be withdrawn as no new matter has been added.

Rejections under §102(e)

Turning to the claims, amended claim 1 recites in a computer network, a method comprising, providing an identity-based services schema, the services schema having services-related fields arranged into a content document with defined structures for the fields receiving a data access request directed to service information, the request including associated identity information, and in response to the data access request, manipulating at least one set of data in a logical services document that includes data therein according to the associated identity information, each set of data in the logical services document structured to correspond to a field in the content document.

The Office action rejected claim 1 as being anticipated by Saulpaugh. More specifically, the Office action contends that Saulpaugh teaches providing a services schema, the services schema having services-related fields arranged into a

content document with defined structures for the fields. Column 15, lines 19-20, column 29, lines 4-25, column 26, lines 45-52, and column 35, lines 34-41 of Saulpaugh are referenced. Further, the Office action contends that Saulpaugh teaches receiving a data access request directed to services information, the request including associated identity information. Column 32, lines 35-67 and column 33, lines 1-8 of Saulpaugh are referenced. Finally, the Office action contends that Saulpaugh teaches in response to the data access request, manipulating at least one set of data in a logical services document that includes data therein according to the associated identity information, each set of data in the logical services document structured to correspond to a field in the content document. Column 32, lines 25-67, column 33, lines 15-67, column 11, lines 45-57, column 13, lines 21-46, and column 18, lines 29-56 of Saulpaugh are referenced. Applicants respectfully disagree.

Saulpaugh teaches, generally, a method and system for manipulating, receiving, and sending messages using message gates. More specifically, the cited and applied sections of Saulpaugh teach the use of message gates to allow clients and servers the ability to exchange "data representation language" messages (*i.e.*, XML messages) in a secure and reliable fashion. See column 7, lines 24-39 of Saulpaugh. In exchanging these XML messages, Saulpaugh teaches that messages may be sent and received between two message gates using services in a distributed networking environment such that a service's particular schema and URI address are published by an "advertisement." See column 15, lines 13-28 of Saulpaugh. An advertisement is typically data

associated with a service that describes the content type or the capabilities of the service. As such, message data may be sent between message gates using a naming convention that draws information from each service's advertisements in order to interpret the data sent between message gates. The message gates provide unique IDs that each refer only to the one instance of each gate, which, in turn, provides clients and other devices in a networked environment the ability to send and receive messages without knowing certain details about the physical location in the network of other services and devices. As a result, data about a service's schema is stored separate (in an advertisement) from data which corresponds to the service (in an XML document).

In contrast, claim 1 recites providing a services schema, the services schema having services-related fields arranged into a content document with defined structures for the fields. Services data may include data generally associated with web-based services such as a contacts service or a wallet service. That is, claim 1 is directed to a service that deals with and maintains information about other services. This concept is captured in the specific recitation in claim 1 as part of a method wherein a services schema is provided having services-related fields arranged into a content document with defined structures for the fields. Applicants previously presented an argument that Saulpaugh may teach one or more services that deal with and maintain data about specific items, such as specific kinds of messages (*e.g.*, email, instant messaging, *etc.*), but Salpaugh certainly cannot be construed to teach providing a schema for services (a services schema) that maintains data about other services in one or more services-related

fields. The Office action responded with the contention that the applicants are arguing the disclosure and not the claims. This contention cannot be correct, in that claim 1 specifically recites providing an identity-based services schema, the services schema having services-related fields arranged into a content document with defined structures for the fields receiving a data access request directed to service information. Clearly, the applicants are not arguing the disclosure. Even more clearly, Saulpaugh does not teach this recitation.

Further, claim 1 goes on to recite in response to the data access request, manipulating at least one set of data in a logical services document. Nowhere in Saulpaugh is there disclosed a logical services document. The cited and applied section of Saulpaugh in which the Office action contends teaches a logical services document actually teaches that messages, requests, and other data being transmitted may be in the form of an XML document. Simply teaching an XML document that may be communicated in a networked environment between two message gates is not the same as manipulating at least one set of data in a logical services document. A logical services document (for example, roleList document 420) may contain information that designates access to data stored in content documents that are part of a services schema.

Notwithstanding these differences, claim 1 has been amended to recite an identity-based services schema. As discussed above, Saulpaugh simply does not teach a schema for services-related data, *i.e.*, data about the service itself and not data that is related to the service such as contacts data and the like. Even if one were to construe the teachings of Saulpaugh to disclose a services schema,

Saulpaugh certainly does not teach an identity-based services schema. In an identity-based schema, the data being stored (services data in this case) is meaningless without associated identity information about what data is being stored. That is, services data is not usefully stored in the present invention without also storing the data in the context of a particular user, *i.e.*, based on an identity. Furthermore, when a request is received for access to this stored data, identity information about the requestor is also used to retrieve services data since it is stored in the context of an identity-based schema. Clearly, Saulpaugh does not teach a schema that is identity-based.

Applicants submit that claim 1 is allowable over the prior art of record for at least these reasons.

Applicants respectfully submit that dependent claims 2-18, by similar analysis, are allowable. Each of these claims depends either directly or indirectly from claim 1 and consequently includes the recitations of independent claim 1. As discussed above, Saulpaugh fails to disclose the recitations of claim 1 and therefore these claims are also allowable over the prior art of record. In addition to the recitations of claim 1 noted above, each of these dependent claims includes additional patentable elements.

For example, claim 6 recites that the services schema corresponds to a calendar service. The cited and applied section of Saulpaugh teaches security policies that may be employed in XML messages that correspond to an XML schema. Certainly, this section of Saulpaugh does not teach a calendar service.

In fact, the word calendar does not appear anywhere in Saulpaugh. Applicants submit that claim 6 is allowable over the prior art for at least this additional reason.

As another example, claim 12 recites that the services schema corresponds to an inbox service. The cited and applied section of Saulpaugh teaches advertisements in XML messages that utilize an XML messaging mechanism. Certainly, this section of Saulpaugh does not teach an inbox service. In fact, the word inbox does not appear anywhere in Saulpaugh. Applicants submit that claim 12 is allowable over the prior art for at least this additional reason.

Turning to the next independent claim, amended claim 19 recites in a computer network, a method comprising, receiving a data access request, the request including associated identity information, accessing a data store to obtain data based on the associated identity information, constructing a document including at least part of the data and including a defined identity-based services schema, and returning the document in response to the request.

The Office action rejected claim 19 as being anticipated by Saulpaugh. More specifically, the Office action contends that Saulpaugh teaches receiving a data access request, the request including associated identity information. Column 32, lines 35-67, column 33 and lines 15-67 of Saulpaugh are referenced. Further, the Office action contends that Saulpaugh teaches accessing a data store to obtain data based on the associated identity information. Column 16, lines 19-33 of Saulpaugh are referenced. Finally, the Office action contends that Saulpaugh teaches constructing a document including at least part of the data, the document arranged according to a defined schema, and returning the document in response

to the request. Column 16, lines 19-41 and column 33, lines 56-67 of Saulpaugh are referenced. Applicants respectfully disagree.

As discussed above, Saulpaugh teaches, generally, a method and system for manipulating, receiving, and sending messages using message gates. More specifically, the cited and applied sections of Saulpaugh teach the use of message gates to allow clients and servers the ability to exchange XML messages in a secure and reliable fashion. In exchanging these XML messages, Saulpaugh teaches that messages may be sent and received between two message gates using services in a distributed networking environment such that a service's particular schema and URI address are published by an advertisement. Message data may be sent between message gates using a naming convention that draws information from each service's advertisements in order to interpret the data sent between message gates. Thus, data about a service's schema is stored separate (in an advertisement) from data which corresponds to the service (in an XML document).

In contrast, claim 19 recites constructing a document including a defined services schema, and returning the document in response to the request. A services schema may be directed to maintaining data generally associated with web-based services such as a contacts service or a wallet service. However, the data maintained is not related to contacts or wallet information, but rather to information about the types of services themselves. Services data is a tier (or more) above data maintained by the individual services. That is, claim 19 is directed to a service that deals with and maintains information about other

services. Saulpaugh may teach one or more services that deal with and maintain data about specific items, such as specific kinds of messages (*e.g.*, email, instant messaging, *etc.*), but Saulpaugh cannot be construed to teach a method (typically executed by a services service) for constructing a document including at least part of the data and including a defined identity-based services schema (Saulpaugh teaches storing the schema in an advertisement, which is separate) and returning the document in response to the request as recited in claim 19.

Furthermore, claim 19 goes on to recite constructing a document including at least part of the data and including a defined identity-based services schema. Nowhere in Saulpaugh is there disclosed constructing a document including data and a defined services schema. The cited and applied section of Saulpaugh in which the Office action contends teaches this document actually teaches that messages, requests, and other data being transmitted may be in the form of an XML document. Simply teaching an XML document that may be communicated in a networked environment between two message gates is not the same as constructing a document including at least part of the data and including a defined services schema.

Notwithstanding these differences, claim 1 has been amended to recite an identity-based services schema. As discussed above, Saulpaugh simply does not teach a schema for services-related data, *i.e.*, data about the service itself and not data that is related to the service such as contacts data and the like. Even if one were to construe the teachings of Saulpaugh to disclose a services schema (which it does not), Saulpaugh certainly does not teach an identity-based services

schema. In an identity-based schema, the data being stored (services data in this case) is meaningless without associated identity information about what data is being stored. That is, services data is not usefully stored in the present invention without also storing the data in the context of a particular user, *i.e.*, based on an identity. Furthermore, when a request is received for access to this stored data, identity information about the requestor is also needed to retrieve services data since it is stored in the context of an identity-based schema. Clearly, Saulpaugh does not teach a schema that is identity-based.

Applicants submit that claim 19 is allowable over the prior art of record for at least these reasons.

Applicants respectfully submit that dependent claim 20, by similar analysis, is allowable. Claim 20 depends directly from claim 19 and consequently includes the recitations of independent claim 19. As discussed above, Saulpaugh fails to disclose the recitations of claim 19 and therefore claim 20 is also allowable over the prior art of record. In addition to the recitations of claim 19 noted above, dependent claim 20 includes additional patentable elements.

For at least these additional reasons, applicants submit that all the claims are patentable over the prior art of record. Reconsideration and withdrawal of the rejections in the Office action is respectfully requested and early allowance of this application is earnestly solicited.

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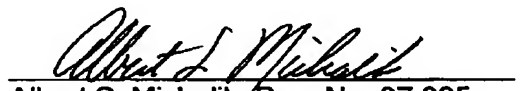
CONCLUSION

In view of the foregoing remarks, it is respectfully submitted that claims 1-20 are patentable over the prior art of record, and that the application is in good and proper form for allowance. A favorable action on the part of the Examiner is earnestly solicited.

If in the opinion of the Examiner a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney at (425) 836-3030.

Respectfully submitted,



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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this Response, along with transmittal and facsimile cover sheet, are being transmitted by facsimile to the United States Patent and Trademark Office in accordance with 37 C.F.R. 1.6(d) on the date shown below:

Date: October 3, 2005

Albert S. Michalik

3070 second amendment